

THE NATIONAL YOUTH SERVICE ACT

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THE NATIONAL YOUTH SERVICE ACT

Act
17 of 1998.

[1st April, 1999.]

1. This Act may be cited as the National Youth Service Act. Short title.

Preliminary

2. In this Act— Interpreta-
tion.
- “approved employment” means employment approved by the Minister in respect of a participant;
- “Board” means the National Youth Service Board constituted under this Act;
- “chairman” means the chairman of the Board or any person for the time being performing the functions of the chairman;
- “functions” includes powers and duties;
- “Minister” means the Minister responsible for youth;
- “participant” means any person who is selected for participation in the National Youth Service programme pursuant to section 23.

3. The objects of this Act are— Objects of
Act.
- (a) to facilitate the provision of work experience for young persons with a view to their employment;
- (b) to encourage participants to develop—
- (i) a sense of responsibility and of service to the country; and
- (ii) self respect and respect for authority;
- (c) to promote among participants, values of discipline, democracy, citizenship and co-operation.

The National Youth Service Board

Establishment of National Youth Service Board.

4.—(1) There is hereby established, for the purposes of this Act, a body to be called the National Youth Service Board which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Functions of Board.

5.—(1) The functions of the Board shall be—

- (a) to develop and monitor orientation, training, approved placement and employment programmes for participants;
- (b) to provide placement and employment opportunities for participants and assist in the development of approved employment projects;
- (c) to monitor and evaluate the implementation of the plans and programmes of the National Youth Service and to make to the Minister such recommendations as it thinks fit in respect thereof.

(2) In the exercise of its functions the Board shall have power—

- (a) to provide finance for approved employment projects promoted or sponsored by it;
- (b) to administer and invest the moneys of the Board;
- (c) to enter into arrangements with such other bodies as it thinks suitable with regard to the establishment, implementation, monitoring and financing of training or employment programmes;
- (d) to furnish, on such terms as may be agreed, equipment and finance to participants who, after giving

service pursuant to this Act, require assistance in establishing a trade or business on their own account;

- (e) to receive and administer funds donated or entrusted to the Board by any agency or organization for any purpose relating to the training or employment of persons; and
- (f) to do anything or enter into any transaction which, in the opinion of the Board, is necessary to ensure the proper performance of its functions.

Regional Advisory Committees

6.—(1) There is hereby established, in relation to the National Youth Service programme, such number of Regional Advisory Committees as the Minister thinks fit, to advise the Board on the general operation of the programme.

Regional
Advisory
Committees.

(2) Each Regional Advisory Committee shall consist of a representative from each parish advisory committee convened within that region pursuant to section 7 and may regulate its own proceedings.

(3) The functions of the Regional Advisory Committees shall be—

- (a) to advise the Board on the operation of the National Youth Service programme;
- (b) to promote participation in the programme;
- (c) to promote interest in and support for the National Youth Service programme at all levels of society;
- (d) to secure from all agencies, governmental and non-governmental, assistance in respect of leadership, finance, experience or any other matter for the benefit of the National Youth Service programme;

- (e) to advise and assist officers in the work of the National Youth Service programme;
- (f) to assist the Board in promoting competitions, displays and such other activities as may be necessary or desirable to publicize the work of the National Youth Service programme; and
- (g) to take such action as may be approved by the Board for the effective performance of the National Youth Service programme.

Parish Advisory Committees

Parish
advisory
committees.

7.—(1) There is hereby established in relation to the operation of the National Youth Service programme a parish advisory committee within each parish.

(2) Every parish advisory committee—

- (a) shall consist of such number of persons as the Minister thinks fit who are knowledgeable and experienced in the organization or administration of youth projects and programmes; and
- (b) may regulate its own proceedings.

(3) The functions of every parish advisory committee shall be—

- (a) to give the participants of the National Youth Service programme in that parish such help and guidance as may be necessary to enable such participants to achieve educational, social and economic development;
- (b) to promote the participation of youth in the National Youth Service programme in all parishes;
- (c) to work in collaboration with the Regional Advisory Committees, established pursuant to section 6, to

stimulate interest in, and support for, the National Youth Service programme;

- (d) to secure, from such sources as may be available within the parish, assistance in respect of leadership, finance or any matter for the benefit of the National Youth Service programme;
- (e) to advise on the work of the National Youth Service programme and to assist officers in the various coordinating agencies within the parish with their implementation of the projects and programmes thereof;
- (f) to assist the Regional Advisory Committees in promoting competitions, displays and such other activities as may be necessary or desirable to publicize the work of the National Youth Service programme; and
- (g) to take such action and implement such projects as are approved by the Regional Advisory Committees, to enhance the objectives of the National Youth Service programme.

Policy Directions

8. The Minister may, after consultation with the chairman, give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Board shall give effect thereto.

Policy directions.

Administration

9.—(1) The seal of the Board shall be authenticated by the signature of the chairman or any other member of the Board authorized to act in that behalf or any officer of the

Authentification of seal and documents.

Board so authorized and shall be judicially and officially noticed.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or any member or officer of the Board authorized to act in that behalf.

Appoint-
ment of
officers and
other em-
ployees.

10.—(1) The Board shall appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, an Executive Director, a Secretary and such other officers and employees as the Board deems necessary for the proper carrying out of its functions:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) For the purposes of subsection (1) the “prescribed rate” means a rate of nine hundred thousand dollars per annum or such other rate as the Minister may, by order, prescribe.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office within the Board, and any public officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

11. It shall be lawful for the Board, with the approval of the Minister—

Pensions, gratuities and other retiring benefits.

- (a) to enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) to make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to employees of the Board and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

Financial Provisions, Accounts and Reports

12.—(1) The funds and resources of the Board shall consist of—

Funds and resources of the Board.

- (a) sums which may from time to time be placed at the disposal of the Board by Parliament;
- (b) all other moneys and other property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

(2) The expenses of the Board, including the remuneration of members and employees, shall be paid out of the funds of the Board.

13. All moneys of the Board not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the Board may be invested in such securities as may be approved either generally or specifically by the Minister and the Board may, with the approval of the Minister, sell all or any of such securities.

Power to invest moneys.

Accounts
and audit.

14.—(1) The Board shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.

(2) The accounts of the Board shall be audited annually by the Auditor-General.

Annual
reports and
estimates.

15.—(1) The Board shall, within six months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor-General's report thereon to be laid in the House of Representatives and the Senate.

(3) The Board shall, in each financial year, before a date specified by the Minister, submit to the Minister for his approval, estimates of income and expenditure for the ensuing financial year.

Operating
plan.

16. The Board shall submit to the Minister for his approval, by the 28th day of February in each year, an operating plan for that year as to projects to be promoted or sponsored, or both, by the Board, the operational framework within which the Board shall carry out its functions and such other matters as the Minister may require.

Power of
Minister to
require
returns.

17. The Board shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Board, and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

18.—(1) The income of the Board shall be exempt from income tax. **Exemption from taxes and duties.**

(2) The Board shall be exempt from liability to stamp duty in respect of any instrument executed by it or on its behalf.

(3) Any transfer by the Board of any property belonging to it or of any right or interest created in, over or otherwise with respect to, any such property shall be exempt from transfer tax.

(4) No customs duty, general consumption tax or other similar impost shall be payable upon any article imported into Jamaica or taken out of bond in Jamaica by the Board and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Board in the performance of its functions.

19. Without prejudice to any other method of recovery, all debts due to the Board may be recovered, without limit of amount, in a Resident Magistrate's Court as a civil debt. **Recovery of debts.**

20.—(1) Subject to the provisions of subsection (2), the Board may borrow such sums as may be required by it for discharging any of its functions. **Borrowing powers.**

(2) The power of the Board to borrow shall, as to amount, as to the source of borrowing, and as to the terms on which the borrowing may be effected, be exercisable only with the approval of the Minister responsible for finance and any such approval may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Power of
Minister
of Finance
to guarantee
loans to
Board.

21.—(1) With the approval of the House of Representatives signified by resolution, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest and charges on any authorized borrowing of the Board.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys guaranteed under the provisions of this section or in the payment of interest or charges so guaranteed he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

(3) The Board shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

General

Register of
participants.

22. The Board shall cause to be kept a register of the names, addresses, qualifications and such other particulars as may be prescribed, of all participants.

Eligibility
for selec-
tion and
certificate
of partici-
pation.

23.—(1) Any person between the ages of 17 years and 24 years who—

(a) applies to the Board in the prescribed form; and

(b) satisfies the Board that he possesses the prescribed qualifications,
shall be eligible for selection as a participant under this Act.

(2) The Board shall cause a certificate in the prescribed form to be issued to every participant.

24. The Minister may make regulations generally for the better carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing, the regulations may provide for— Regulations.

- (a) the payment of allowances and any other entitlements to participants;
- (b) the keeping of such records by employers as the Minister may require for any purpose connected with the provisions of this Act;
- (c) the qualifications required for persons to be selected as participants;
- (d) the procedures for the selection of participants;
- (e) the terms and conditions of training, and the employment of participants by employers;
- (f) the forms to be used for the purposes of this Act; and
- (g) anything authorized or required by this Act to be prescribed.

SCHEDULE

(Section 4)

The National Youth Service Board

1.—(1) The Board shall consist of not less than eleven or more than fifteen members as the Minister may from time to time determine. Constitution of Board.

(2) The Board shall include—

- (a) The Permanent Secretary of the Ministry responsible for youth or his nominee who shall be an *ex officio* member;

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- (b) one person appointed by the Minister from the Board of management of a tertiary institution;
- (c) one person from each of the following categories, being persons nominated by organizations representing such categories—
 - (i) religious bodies;
 - (ii) the business sector;
 - (iii) the teaching profession;
- (d) a representative of—
 - (i) the Jamaica Defence Force;
 - (ii) the Social Development Commission;
 - (iii) the Jamaica Constabulary Force;
 - (iv) the Jamaica 4-H Clubs; and
- (e) two persons who have participated in the National Youth Service programme.

(3) The Minister may select additional members of the Board from persons appearing to be knowledgeable and experienced in matters relating to education, youth or labour.

Appoint-
ment of
members.

2. The members of the Board shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold such office as the Minister may direct in such instrument.

Chairman
and deputy
chairman.

3.—(1) The Minister shall appoint a chairman and a deputy chairman from among the members of the Board.

(2) In the case of absence or inability of the chairman, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act of both the chairman and deputy chairman, the Minister may appoint any other member of the Board to perform the functions of the chairman, or, as the case may be, the deputy chairman during such absence or inability.

Gazetting of
appoint-
ments.

4. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Tenure of
office.

5.—(1) Subject to the provisions of this Schedule, a member of the Board shall hold office for a period not exceeding three years.

(2) Every member of the Board shall be eligible for reappointment.

(3) If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

6. The Minister, on the application of any member of the Board, may grant to such member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted.

Grant of
leave of
absence.

7.—(1) A member of the Board, other than the chairman, may at any time resign his office by instrument in writing, addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, the member shall cease to be a member of the Board.

Resignation
of
members.

(2) The chairman may, at any time, resign his office by instrument in writing, addressed to the Minister and his resignation shall take effect from the date of the receipt of the instrument by the Minister.

8.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board may determine.

Procedure
and meet-
ings.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Board.

(3) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Board and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Board present shall elect one of their number to preside at that meeting and when so presiding the chairman, the deputy chairman or the member elected as aforesaid, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Board shall be seven.

(5) Subject to the provisions of this Schedule, the Board may regulate its proceedings.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the chairman, the deputy chairman, and other members of the Board, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

Remunera-
tion of
members.

10.—(1) The Board may, with the approval of the Minister, appoint committees for special purposes connected with the functions of the Board and which, in the opinion of the Board, would be better regulated and managed by means of committees.

Appoint-
ment of
commit-
tees.

(2) The number of members of a committee appointed under sub-paragraph (1), the terms of appointment of such members, the quorum of the committee and the area within which the committee is to exercise authority shall be determined by the Board.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Board, but at least one of the members of any such committee shall be a member of the Board.

(4) The provisions of paragraph 12 shall apply to a member of a committee who is not a member of the Board in like manner as they apply to a member of the Board.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

Power to delegate.

11.—(1) Subject to the provisions of this Schedule, the Board may, by instrument in writing, delegate to any member, committee, officer or employee of the Board any functions exercisable by the Board under this Act, other than this power of delegation.

(2) A delegation under this paragraph—

(a) may be made subject to such conditions, qualifications and exceptions as may be specified in the instrument; and

(b) is revocable by the Board,

and such delegations shall not prevent the exercise by the Board of the function delegated.

Protection of members.

12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the said member were an employee or an agent of the Board.

Disclosure of interest.

13. A member of the Board who is directly or indirectly interested in any matter which is being dealt with by the Board—

(a) shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board; and

(b) shall not be present during the deliberation of the Board on the matter or take part in the decision of the Board with respect thereto.

Office of member not public office.

14. The office of the chairman, deputy chairman, or member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.